

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

UNITED STATES OF AMERICA,	:	
PLAINTIFF,	:	
	:	CASE NO. C-1-02-367
V.	:	(consolidated with C-1-02-359,
	:	C-1-02-388, C-1-02-431, and
	:	C-1-02-474)
REAL PROPERTY KNOWN AND	:	
NUMBERED AS 2467 LEGENDS WAY,	:	SENIOR JUDGE SPIEGEL
CRESTVIEW HILLS, KENTON	:	
COUNTY, KENTUCKY , WITH ALL	:	
APPURTENANCES, IMPROVEMENTS,	:	
AND ATTACHMENTS THEREON, et al.,	:	
DEFENDANTS.	:	
	:	

**UNITED STATES' MOTION TO DISMISS REAL PROPERTY KNOWN AND
NUMBERED AS 14354 HARBOUR LINKS COURT 3-B, FORT MYERS, FLORIDA**

The United States, by and through the undersigned United States Attorney for the Southern District of Ohio, moves this Court pursuant to Fed.R.Civ.P. 41(a)(2) for an order dismissing real property known and numbered as 14354 Harbour Links Court 3-B, Fort Myers, Lee County, Florida, ("the subject real property"), which is further described as follows:

Situate, lying and being in the County of Lee, State of Florida to wit:

CONDOMINIUM PARCEL: UNIT 3-B, HARBOUR LINKS CONDOMINIUM, according to the Declaration of Condominium recorded in Official Records Book 2862, Page 350, and according to the plat recorded in Condominium Plat Book 24, Pages 64 to 71 incl.; and Amendment recorded in Official Records Book 2957, Page 1976, and the plat recorded in Condominium Plat Book 25, Page 42 to 47, inclusive of the public records of Lee County, Florida, together with an undivided share in the common elements appurtenant thereto.

The United States and the record owner of the subject real property, Marcia Erpenbeck, agreed to the sale of the subject real property to a third party and that the United States will not forfeit the subject real property. Instead, A. William Erpenbeck, Jr. will forfeit to the United

States in a related criminal case (1:03-cr-050) the net proceeds from the sale of the subject real property by Marcia Erpenbeck.

Therefore, the United States respectfully requests that the Court issue an order dismissing the subject real property from the verified Complaint for Forfeiture in Rem filed with this Court on May 21, 2002.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion to Dismiss was served on this 30th day of September, 2004, electronically on: Richard Boydston, Attorney for Union Planters Bank National Association; Kent Allen Britt, Attorney for Attorney for A. William Erpenbeck and Marcia Erpenbeck; Susan Grogan Faller, Attorney for Bank of Corbin; Thomas D. Heekin, Attorney for Richard W. Erpenbeck; Geraldine M. Johnson, Attorney for Bellavista at Gulf Harbour Yacht & Country Club Condominium Association; Earl K. Messer, Attorney for US Bank N.A.; James L. Nieberding, Attorney for Guardian Savings Bank FSB; Cynthia M. Roselle, Attorney for Wells Fargo Home Mortgage; Jeffrey S. Rosenstiel, Attorney for Bank of Corbin; Michael L. Scheier, Attorney for Provident Bank; and Glenn V. Whitaker, Attorney for A. William Erpenbeck and Marcia Erpenbeck; and by regular U.S. Mail on the following:

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